

3903. Adulteration of clams. U. S. v. H. K. Swann. Tried to the court and jury. Verdict of guilty. Fine, \$100 and costs. (F. & D. Nos. 4693, 4733. I. S. Nos. 17253-d, 17244-d.)

On November 13, 1912, and April 21, 1913, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against H. K. Swann, Norfolk, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on April 26 and May 8, 1912, from the State of Virginia into the District of Columbia, of quantities of clams in the shell which were adulterated.

Examination of a sample of the product shipped on April 26, 1912, by the Bureau of Chemistry of this department showed the following results: 10 out of 10 quahaugs showed the presence of gas-producing organisms in bile fermentation tubes after four days' incubation at 37° C., in 1 cc quantities; 10 out of 10 quahaugs in 0.1 cc quantities; 6 out of 10 quahaugs in 0.01 cc quantities; score, 320 points. Examination of a sample of the product shipped May 8, 1912, by said Bureau of Chemistry showed the following results: 10 out of 10 quahaugs showed the presence of gas-producing organisms in bile fermentation tubes after four days' incubation at 37° C., in 1 cc quantities; 9 out of 10 quahaugs in 0.1 cc quantities; 4 out of 10 quahaugs in 0.01 cc quantities; score, 185 points.

Adulteration of the product was alleged in the informations for the reason that an examination thereof showed the presence of gas-producing organisms, indicating that said product consisted wholly or in part of a filthy putrid or decomposed animal substance.

On June 10, 1914, the two cases which had been consolidated came on for trial before the court and a jury, and, after the submission of evidence and argument by counsel, the jury returned a verdict of guilty, and the court imposed a fine of \$100 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*